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EXAMINER

DAY, HERNG DER

ART UNIT

PAPER NUMBER

2128

MAIL DATE

DELIVERY MODE

10/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/781,253

Applicant(s)

HASEGAWA, TAKUMI

Examiner

Herng-der Day

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,9-11,17 and 27-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,9-11,17 and 27-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to Applicant's Amendment ("Amendment") to Office Action dated July 5, 2007, mailed September 25, 2007.

1-1. Claims 17, 32, 36, and 37 have been amended. Claim 23 has been canceled. Claims 1, 2, 4, 9-11, 17, and 27-37 are pending.

1-2. Claims 1, 2, 4, 9-11, 17, and 27-37 have been examined and rejected.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 9-11, 17, 27-31, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger et al., U.S. Patent 6,414,693 B1 issued July 2, 2002, and filed October 12, 1999, in view of Goldstein, U.S. Patent Application Publication 2001/0032115 A1, published October 18, 2001 and filed December 22, 2000.

3-1. Regarding claim 1, Berger et al. disclose a user's request reflecting design system for timely and accurately reflecting users' requests on a product, comprising:

design data publicizing means for publicizing design data to users through a computer network (the on-line catalog, accessed by consulting the catalog link on the screen, column 6, lines 39-47);

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correction data receiving means for receiving and storing correction data as said design data corrected by a user through said computer network (the selected GIF file, in its finalized location within the JPEG bag image file are downloaded to the supplier/system operator for storage, column 8, lines 2-9); and

design assisting means for reflecting said correction data (coordinate location, column 8, lines 6-9) received by said correction data receiving means on product design (to maintain its relative location on the bag when reviewed, column 8, lines 6-9),

Wherein said design data publicizing means includes

public design data prepared in advance to be publicized among said design data (the stored graphics (button 608) to be listed, column 6, lines 48-52),

an editing program file for editing said public design data (the web site is provided as one or more Java 'applets' for operation with a Java-compatible web browser on the client's local computer, column 4, lines 36-42), and

a design data publicizing processing unit (server 116, Fig. 1) responsive to a request from a terminal connected to said computer network (By clicking both buttons 606 and 608, column 6, lines 48-52) for transferring said public design data and said editing program file to said terminal (the screen display 700 of FIG. 7 is generated, column 6, lines 48-52), and

wherein said correction data receiving means includes

a data base for registering said correction data (the database, column 4, lines 1-5), and

a received submission processing unit for receiving an electronic submission associated with a specific user to which said correction data [and additional personal information of the specific user] is attached and registering and storing said correction data in said data base (the database is organized so that each unique user of the service is defined as an 'entity' 200, column

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4, lines 1-5; the customized bag order can be associated with a given client, column 8, lines 2-16),

said received submission processing unit classifying said attached correction data based on [the additional personal information of] the specific user recited in said received electronic submission and registering said correction data in said data base based on the classification results (the customized bag order can be associated with a given client and confirmed by return e-mail, column 8, lines 2-16).

Berger et al. fail to expressly disclose “receiving an electronic submission associated with a specific user to which [said correction data and] additional personal information of the specific user is attached” and “classifying said attached correction data based on the additional personal information of the specific user recited in said received electronic submission”.

Goldstein discloses a system giving consumers an opportunity to participate in polls and surveys, thus allowing a consumer to help shape the world around them (abstract), to refine, change, improve, and influence public issues and policies, and consumer services and products (paragraph [0020]), and for customers to be made aware of what issues the consumers, and the marketplace, are giving voice to (paragraph [0016]) and to address members’ and visitors’ questions, comments, and ideas directly and dynamically, and in an interactive and innovative environment (paragraph [0086]). Specifically, Goldstein discloses “My-e-preferences 122 can store personal information about an individual member, such as a member’s age, sex, income, address, telephone number, user interface preferences, personal information disclosure preferences, and the like (paragraph [0064])”, “All surveys are structured in a format that allows the data associated with the use and content of the surveys to be mined for later use by the customers (paragraph [0069])”, “customers can view more detailed demographic data, which can

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be gleaned by My-e-surveys 150 pulling demographic information from My-e-preferences 122 for each member who answers a question, and also further analyzing and sorting the results according to My-e-profile 121 (paragraph [0077])”, and “Survey response summaries display only statistically significant information, such as, ... gender answer breakdowns, geographic region totals, and chronologically organized result summaries (paragraph [0078])”. In other words, Goldstein discloses survey results display only statistically significant information, such as, ... gender answer breakdowns, geographic region totals by My-e-surveys pulling demographic information from My-e-preferences and further analyzing and sorting the results according to My-e-profile. Furthermore, even the additional personal information is not attached in the received electronic submission, it is available via My-e-surveys, My-e-preferences, and My-e-profile and is obvious to one of ordinary skill in the art to use it with the received electronic submission for analyzing and sorting the results.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Berger et al. to incorporate the teachings of Goldstein to obtain the invention as specified in claim 1 because by interacting with Goldstein’s system users would help to refine, change, improve, and influence public issues and policies; and consumer services and products (Goldstein, paragraph [0020]).

3-2. Regarding claim 2, Berger et al. further disclose wherein said design data is three-dimensional data (for example, 3D bag, Fig. 7).

3-3. Regarding claim 4, Berger et al. further disclose wherein

said editing program file enables editing of three-dimensional data (for example, 3D bag, Fig. 7).

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3-4. Regarding claim 9, Berger et al. disclose a user's request reflecting design system for timely and accurately reflecting users' requests on a product, comprising:

design data publicizing means for publicizing design data to users through a computer network (the on-line catalog, accessed by consulting the catalog link on the screen, column 6, lines 39-47);

correction data receiving means for receiving and storing correction data as said design data corrected by a user through said computer network (the selected GIF file, in its finalized location within the JPEG bag image file are downloaded to the supplier/system operator for storage, column 8, lines 2-9); and

design assisting means for reflecting said correction data (coordinate location, column 8, lines 6-9) received by said correction data receiving means on product design (to maintain its relative location on the bag when reviewed, column 8, lines 6-9),

Wherein said design data publicizing means includes

public design data prepared in advance to be publicized among said design data (the stored graphics (button 608) to be listed, column 6, lines 48-52),

an editing program file for editing said public design data (the web site is provided as one or more Java 'applets' for operation with a Java-compatible web browser on the client's local computer, column 4, lines 36-42), and

a design data publicizing processing unit (server 116, Fig. 1) responsive to a request from a terminal connected to said computer network (By clicking both buttons 606 and 608, column 6, lines 48-52) for transferring said public design data and said editing program file to said terminal (the screen display 700 of FIG. 7 is generated, column 6, lines 48-52), and

Berger et al. fail to expressly disclose "wherein the terminal includes an information entry selecting means allowing a user to either, enter design information without downloading public design data, or request transfer of said public design data from the design data publicizing processing unit to the user together with an editing program file." Nevertheless, Berger et al. have disclosed to request transfer of the public design data from the design data publicizing processing unit to the user together with an editing program file at column 6, lines 48-52.

Goldstein discloses a system giving consumers an opportunity to participate in polls and surveys, thus allowing a consumer to refine, change, improve, and influence public issues and policies, and consumer services and products (paragraph [0020]). Specifically, Goldstein discloses "In addition to providing access to the Internet, My-e-surveys 150 may also facilitate member interaction with customers. To encourage this interaction, a member may, for example by answering a survey or filling out a form, indicate either an interest in purchasing a specific product/service ("product") or an interest in a general class of products (paragraph [0107])." In other words, to facilitate member interaction with customers, a member may have information entry means of, for example, either answering a survey or filling out a form without downloading survey related data.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Berger et al. to incorporate the teachings of Goldstein to obtain the invention as specified in claim 9 because by giving a member more options, for example, either answering a survey or filling out a form, would facilitate member interaction with customers (Goldstein, paragraph [0107]).

3-5. Regarding claim 10, in addition to those limitations have already been recited in claim 1, Berger et al. further disclose in creation of said design data by said design assisting means, said

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correction data registered in said data base is used (to maintain its relative location on the bag when reviewed, column 8, lines 2-9).

3-6. Regarding claim 11, Berger et al. disclose a user's request reflecting design method of timely and accurately reflecting users' requests on a product, comprising the steps of:

publicizing design data to users through a computer network (the on-line catalog, accessed by consulting the catalog link on the screen, column 6, lines 39-47);

receiving correction data as said design data corrected by a user through said computer network (the selected GIF file, in its finalized location within the JPEG bag image file are downloaded to the supplier/system operator for storage, column 8, lines 2-9); and

reflecting said correction data received on product design (to maintain its relative location on the bag when reviewed, column 8, lines 6-9),

wherein said design data publicizing step includes the step of

in response to a request from a terminal connected to said computer network, transferring public design data prepared in advance to be publicized among said design data and an editing program file for editing said public design data to said terminal (By clicking both buttons 606 and 608, the screen display 700 of FIG. 7 is generated, column 6, lines 48-52), and

wherein said correction data receiving step including the steps of

receiving an electronic submission associated with a specific user to which said correction data [and additional personal information of the specific user] is attached, and

classifying said attached correction data based on [the additional personal information of] the specific user recited in said received electronic submission and registering said correction data in a data base based on the classification results (the customized bag order can be associated with a given client and confirmed by return e-mail, column 8, lines 2-16).

Berger et al. fail to expressly disclose “receiving an electronic submission associated with a specific user to which [said correction data and] additional personal information of the specific user is attached” and “classifying said attached correction data based on the additional personal information of the specific user recited in said received electronic submission”.

Goldstein discloses a system giving consumers an opportunity to participate in polls and surveys, thus allowing a consumer to help shape the world around them (abstract), to refine, change, improve, and influence public issues and policies, and consumer services and products (paragraph [0020]), and for customers to be made aware of what issues the consumers, and the marketplace, are giving voice to (paragraph [0016]) and to address members' and visitors' questions, comments, and ideas directly and dynamically, and in an interactive and innovative environment (paragraph [0086]). Specifically, Goldstein discloses “My-e-preferences 122 can store personal information about an individual member, such as a member's age, sex, income, address, telephone number, user interface preferences, personal information disclosure preferences, and the like (paragraph [0064])”, “All surveys are structured in a format that allows the data associated with the use and content of the surveys to be mined for later use by the customers (paragraph [0069])”, “customers can view more detailed demographic data, which can be gleaned by My-e-surveys 150 pulling demographic information from My-e-preferences 122 for each member who answers a question, and also further analyzing and sorting the results according to My-e-profile 121 (paragraph [0077])”, and “Survey response summaries display only statistically significant information, such as, ... gender answer breakdowns, geographic region totals, and chronologically organized result summaries (paragraph [0078])”. In other words, Goldstein discloses survey results display only statistically significant information, such as, ... gender answer breakdowns, geographic region totals by My-e-surveys pulling

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demographic information from My-e-preferences and further analyzing and sorting the results according to My-e-profile. Furthermore, even the additional personal information is not attached in the received electronic submission, it is available via My-e-surveys, My-e-preferences, and My-e-profile and is obvious to one of ordinary skill in the art to use it with the received electronic submission for analyzing and sorting the results.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Berger et al. to incorporate the teachings of Goldstein to obtain the invention as specified in claim 11 because by interacting with Goldstein's system users would help to refine, change, improve, and influence public issues and policies, and consumer services and products (Goldstein, paragraph [0020]).

3-7. Regarding claim 17, Berger et al. disclose a server of a user's request reflecting design system for timely and accurately reflecting users' requests on a product, comprising:

design data publicizing means for publicizing design data to users through a computer network (the on-line catalog, accessed by consulting the catalog link on the screen, column 6, lines 39-47); and

correction data receiving means for receiving correction data as said design data corrected by a user through said computer network and storing said correction data (the selected GIF file, in its finalized location within the JPEG bag image file are downloaded to the supplier/system operator for storage, column 8, lines 2-9) so as to be usable by design assisting means for reflecting said correction data on product design (to maintain its relative location on the bag when reviewed, column 8, lines 2-9),

Wherein said design data publicizing means includes

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public design data prepared in advance to be publicized among said design data (the stored graphics (button 608) to be listed, column 6, lines 48-52),

an editing program file for editing said public design data (the web site is provided as one or more Java 'applets' for operation with a Java-compatible web browser on the client's local computer, column 4, lines 36-42), and

a design data publicizing processing unit (server 116, Fig. 1) responsive to a request from a terminal connected to said computer network (By clicking both buttons 606 and 608, column 6, lines 48-52) for transferring said public design data and said editing program file to said terminal (the screen display 700 of FIG. 7 is generated, column 6, lines 48-52), and

wherein said correction data receiving means includes

a data base for registering said correction data (the database, column 4, lines 1-5), and

a received submission processing unit for receiving an electronic submission associated with a specific user to which said correction data [and additional personal information of the specific user] is attached and registering and storing said correction data in said data base (the database is organized so that each unique user of the service is defined as an 'entity' 200, column 4, lines 1-5; the customized bag order can be associated with a given client, column 8, lines 2-16),

said received submission processing unit classifying said attached correction data based on [said additional personal information of] the specific user recited in the received electronic submission and registering said correction data in said data base based on the classification results (the customized bag order can be associated with a given client and confirmed by return e-mail, column 8, lines 2-16).

Berger et al. fail to expressly disclose, “classifying said attached correction data based on said additional personal information of the specific user recited in the received electronic submission”.

Berger et al. fail to expressly disclose “receiving an electronic submission associated with a specific user to which [said correction data and] additional personal information of the specific user is attached” and “classifying said attached correction data based on the additional personal information of the specific user recited in said received electronic submission”.

Goldstein discloses a system giving consumers an opportunity to participate in polls and surveys, thus allowing a consumer to help shape the world around them (abstract), to refine, change, improve, and influence public issues and policies, and consumer services and products (paragraph [0020]), and for customers to be made aware of what issues the consumers, and the marketplace, are giving voice to (paragraph [0016]) and to address members’ and visitors’ questions, comments, and ideas directly and dynamically, and in an interactive and innovative environment (paragraph [0086]). Specifically, Goldstein discloses “My-e-preferences 122 can store personal information about an individual member, such as a member’s age, sex, income, address, telephone number, user interface preferences, personal information disclosure preferences, and the like (paragraph [0064])”, “All surveys are structured in a format that allows the data associated with the use and content of the surveys to be mined for later use by the customers (paragraph [0069])”, “customers can view more detailed demographic data, which can be gleaned by My-e-surveys 150 pulling demographic information from My-e-preferences 122 for each member who answers a question, and also further analyzing and sorting the results according to My-e-profile 121 (paragraph [0077])”, and “Survey response summaries display only statistically significant information, such as, ... gender answer breakdowns, geographic

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region totals, and chronologically organized result summaries (paragraph [0078])". In other words, Goldstein discloses survey results display only statistically significant information, such as, ... gender answer breakdowns, geographic region totals by My-e-surveys pulling demographic information from My-e-preferences and further analyzing and sorting the results according to My-e-profile. Furthermore, even the additional personal information is not attached in the received electronic submission, it is available via My-e-surveys, My-e-preferences, and My-e-profile and is obvious to one of ordinary skill in the art to use it with the received electronic submission for analyzing and sorting the results.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Berger et al. to incorporate the teachings of Goldstein to obtain the invention as specified in claim 17 because by interacting with Goldstein's system users would help to refine, change, improve, and influence public issues and policies, and consumer services and products (Goldstein, paragraph [0020]).

3-8. Regarding claim 27, Goldstein further discloses wherein said additional personal information of the specific user matches categories, wherein said categories are common to a group of users (My-e-preferences 122 can store personal information about an individual member, such as a member's age, sex, income, address, paragraph [0064]; gender answer breakdowns, geographic region totals, paragraph [0078]).

3-9. Regarding claim 28, Goldstein further discloses wherein said correction data is classified according to at least two categories (gender answer breakdowns, geographic region totals, paragraph [0078]).

3-10. Regarding claim 29, Goldstein further discloses wherein said additional personal information of the specific user matches categories, wherein said categories are common to a

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group of users (My-e-preferences 122 can store personal information about an individual member, such as a member's age, sex, income, address, paragraph [0064]; gender answer breakdowns, geographic region totals, paragraph [0078]).

3-11. Regarding claim 30, Goldstein further discloses comprising the step of searching the correction data based upon classified additional personal information (survey response summaries, paragraph [0078]).

3-12. Regarding claim 31, Goldstein further discloses wherein said additional personal information of the specific user matches categories, wherein said categories are common to a group of users (My-e-preferences 122 can store personal information about an individual member, such as a member's age, sex, income, address, paragraph [0064]; gender answer breakdowns, geographic region totals, paragraph [0078]).

3-13. Regarding claim 35, Goldstein further discloses wherein the additional personal information of the specific user is age, sex and residence of the specific user (My-e-preferences 122 can store personal information about an individual member, such as a member's age, sex, income, address, paragraph [0064]).

3-14. Regarding claim 36, Goldstein further discloses wherein the additional personal information of the specific user is age, sex and residence of the specific user (My-e-preferences 122 can store personal information about an individual member, such as a member's age, sex, income, address, paragraph [0064]).

3-15. Regarding claim 37, Goldstein further discloses wherein the additional personal information of the specific user is age, sex and residence of the specific user (My-e-preferences 122 can store personal information about an individual member, such as a member's age, sex, income, address, paragraph [0064]).

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4. Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger et al., U.S. Patent 6,414,693 B1 issued July 2, 2002, and filed October 12, 1999, in view of Goldstein, U.S. Patent Application Publication 2001/0032115 A1, published October 18, 2001 and filed December 22, 2000.

4-1. Regarding claim 32, Berger et al. disclose a user's request reflecting design system in claim 1.

Berger et al. fail to expressly disclose wherein the electronic submission is electronic mail. Nevertheless, using attachment to an electronic mail for transferring information is well known to one of ordinary skill in the relevant art as evidenced by the suggestion of Berger et al. that the customized bag order can be associated with a given client and confirmed by return e-mail (column 8, lines 2-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Berger et al. to incorporate the using of electronic mail to obtain the invention as specified in claim 32 because using electronic mail for transferring information is well known to one of ordinary skill in the relevant art as evidenced by the suggestion of Berger et al. that the customized bag order can be associated with a given client and confirmed by return e-mail.

4-2. Regarding claim 33, Berger et al. disclose a user's request reflecting design method in claim 11.

Berger et al. fail to expressly disclose wherein the electronic submission is electronic mail. Nevertheless, using attachment to an electronic mail for transferring information is well known to one of ordinary skill in the relevant art as evidenced by the suggestion of Berger et al.

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that the customized bag order can be associated with a given client and confirmed by return e-mail (column 8, lines 2-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Berger et al. to incorporate the using of electronic mail to obtain the invention as specified in claim 33 because using electronic mail for transferring information is well known to one of ordinary skill in the relevant art as evidenced by the suggestion of Berger et al. that the customized bag order can be associated with a given client and confirmed by return e-mail.

4-3. Regarding claim 34, Berger et al. disclose a server of a user's request reflecting design system in claim 17.

Berger et al. fail to expressly disclose wherein the electronic submission is electronic mail. Nevertheless, using attachment to an electronic mail for transferring information is well known to one of ordinary skill in the relevant art as evidenced by the suggestion of Berger et al. that the customized bag order can be associated with a given client and confirmed by return e-mail (column 8, lines 2-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Berger et al. to incorporate the using of electronic mail to obtain the invention as specified in claim 34 because using electronic mail for transferring information is well known to one of ordinary skill in the relevant art as evidenced by the suggestion of Berger et al. that the customized bag order can be associated with a given client and confirmed by return e-mail.

Applicant's Arguments

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5. Applicant argues the following:

5-1. Claim Rejections Under 35 U.S.C. § 112

(1) "In one exemplary embodiment of the present invention, the user provides the system with personal information when sending correction data, such as the users' age, sex or residence area. (See e.g., page 14, lines 15-17). Categories, such as for example, age, are common to all users. ... Applicant respectfully asserts that claims 27-29 and 31 are properly supported throughout the specification." (page 9, paragraph 3, Amendment)

(2) "With regard to claim 17, this claim has been amended to correct the antecedent basis as requested by the Examiner. ... With regard to claim 23, this claim has been canceled." (page 9, paragraph 4, through page 10, paragraph 1, Amendment)

5-2. Claim Rejections Under 35 U.S.C. § 102

(3) "Berger fails to teach, or even suggest, at least "an information entry selecting means allowing a user to, enter design information without downloading public design data, or request transfer of said public design data from the design data publicizing processing unit to the user together with an editing program file."" (page 10, paragraph 3, Amendment)

5-3. Claim Rejections Under 35 U.S.C. § 103

(4) "That is, Goldstein is simply directed to organizing personal information of a plurality of users according to a set category. Goldstein, however, does not teach, or even suggest, "classifying said attached correction data based on the additional personal information." In fact, Goldstein does not teach associating any data with the personal information of the user." (page 12, paragraph 2, Amendment)

(5) "There is simply no teaching in either Berger, or Goldstein, of classifying any data based on the personal information of the user." (page 12, paragraph 3, Amendment)

(6) “there is no motivation to classify the custom handbag order according to the personal information of the user. Instead, all that is required of the Berger system is for each user to be associated with that user’s order. Any further association (such as the custom bag order with the personal data of the user) would be a waste of storage space, and unnecessary for the purpose Berger is directed to. As such, Berger teaches away from the combination proposed by the Examiner.” (page 12, paragraph 4, through page 13, paragraph 1, Amendment)

(7) “Applicant’s independent claim 11 is a method claim and is distinguished over Berger for reasons analogous to those recited for claim 1.” (page 13, paragraph 4, Amendment)

(8) “Applicant’s independent claim 17 is an apparatus claim and is distinguished over Berger for reasons analogous to those recited with respect to claim 1.” (page 13, paragraph 5, Amendment).

(9) Dependent claims are allowable at least by virtue of their dependency from respective independent claims 1, 11, and 17. (page 13, paragraphs 3-7, Amendment)

Response to Arguments

6. Applicant’s arguments have been fully considered.

6-1. Applicant’s argument (1) is persuasive. The rejections of claims 27-29 and 31 under 35 U.S.C. 112, first paragraph, in Office Action dated July 5, 2007, have been withdrawn.

6-2. Applicant’s argument (2) is persuasive. The rejections of claims 17 and 23 under 35 U.S.C. 112, second paragraph, in Office Action dated July 5, 2007, have been withdrawn.

6-3. Applicant’s argument (3) is moot in view of the new ground of rejection.

6-4. Applicant’s arguments (4)-(5) are not persuasive. Goldstein discloses, “Survey response summaries display only statistically significant information, such as, ... gender answer

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breakdowns, geographic region totals, and chronologically organized result summaries (paragraph [0078])). For example, “gender answer breakdowns” of survey response clearly anticipates “classifying said attached [correction] data based on the additional personal information”. After modifying the teachings of Berger et al. regarding the correction data to incorporate the teachings of Goldstein, “classifying said attached correction data based on the additional personal information” would have been obvious to one of ordinary skill in the art.

6-5. Applicant’s argument (6) is not persuasive. By interacting with Goldstein’s system users would help to refine, change, improve, and influence public issues and policies, and consumer services and products (Goldstein, paragraph [0020]). For example, manufacturer may adjust its marketing strategy based on “gender answer breakdowns” information of ordered custom handbag.

6-6. Applicant’s arguments (7)-(9) are not persuasive because the arguments regarding claim 1 are not persuasive as detailed in paragraphs 6-4 and 6-5 above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (571) 272-3777. The Examiner can normally be reached on 9:00 - 17:30.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner’s supervisor, Kamini S. Shah can be reached on (571) 272-2279. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Herng-der Day
October 9, 2007

H.D.


KAMINI SHAH
SUPERVISORY PATENT EXAMINER